

Court of Appeals, State of Michigan

ORDER

People of MI v Garrett Eugene Miner

Docket No. 289506

LC No. 2007-001745-FH

Deborah A. Servitto
Presiding Judge

Mark J. Cavanagh

Kathleen Jansen
Judges

The Court orders pursuant to MCR 7.205(D)(2) that the December 2, 2008 judgment of sentence is VACATED and this matter is REMANDED for RESENTENCING of defendant within the guidelines. The trial court's reasons were neither objectively verifiable nor sufficiently substantial and compelling to justify the downward departure imposed in this case. *People v Fields*, 448 Mich 58, 80; 528 NW2d 176 (1995); *People v Daniel*, 462 Mich 1, 8; 609 NW2d 557 (2000); see also *People v Smith*, 482 Mich 292, 299; 754 NW2d 284 (2008).

The application for leave to appeal is otherwise DENIED.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 05 2009

Date

Sandra Schultz Mengel
Chief Clerk